



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3348

1
2
3
4 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
5 **LYNNWOOD, WASHINGTON, ESTABLISHING A SALARY**
6 **COMMISSION TO SET THE ANNUAL SALARIES FOR THE CITY'S**
7 **ELECTED OFFICIALS; ADDING A NEW CHAPTER 2.98 TO THE**
8 **LYNNWOOD MUNICIPAL CODE; RETITLING CHAPTER 2.04 OF THE**
9 **LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 2.04.072,**
10 **2.04.073, 2.04.074 AND 2.04.075 TO THE LYNNWOOD MUNICIPAL**
11 **CODE; AMENDING SECTION 2.10.030 OF THE LYNNWOOD**
12 **MUNICIPAL CODE; ADDING NEW SECTIONS 2.10.040 AND**
13 **2.10.050 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING**
14 **SECTION 2.48.010 OF THE LYNNWOOD MUNICIPAL CODE;**
15 **REPEALING SECTIONS 2.48.190, 2.48.192, 2.48.193 AND 2.48.194**
16 **OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR**
17 **SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY**
18 **PUBLICATION.**

19
20
21 WHEREAS, the City of Lynnwood recognizes that salaries for elected officials should be
22 equitable, adequate and fair compensation for those working for the benefit of the citizens; and
23

24 WHEREAS, the setting of salaries for elected officials should be transparent, open and
25 accountable to the electorate; and
26

27 WHEREAS, the salaries for the City of Lynnwood's Mayor and City Council have been
28 adjusted from time to time, pursuant to state law; and
29

30 WHEREAS, the Revised Code of Washington (RCW) 35.21.015 authorizes a city council to
31 establish a salary commission; and
32

33 WHEREAS, RCW 35.21.015 provides for the duties and responsibilities of salary
34 commission members, which include setting the salary for the city's elected officials; and
35

36 WHEREAS, RCW 35.21.015 provides the ability for city councilmembers to receive mid-
37 term compensation increases, provided that a local salary commission was established and that
38 the commission set compensation at a higher level; and

1
2 WHEREAS, RCW 35.21.015 authorizes the creation of a salary commission of city residents
3 that may increase the salary of elected officials mid-term, and decrease the salary or elected
4 officials effective upon subsequent terms of office, by filing a change in salary to the city clerk
5 without further action of the city council; and
6

7 WHEREAS, the Lynnwood city council has determined that it is in the best interest of the
8 public to establish a salary commission in accordance with RCW 35.21.015;
9

10 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS
11 FOLLOWS:
12

13 Section 1. A new Chapter 2.98, entitled "Salary Commission," is added to the Lynnwood City
14 Code to read as follows:
15

16 **2.98.010 Salary Commission created – Purpose.**

17 An independent salary commission is hereby created for the purpose of setting the salaries of
18 the City of Lynnwood elected officials. The official name of the Commission shall be the
19 Lynnwood Salary Commission.
20

21 **2.98.020 Salary Commission – Membership.**

22 A. The salary commission shall consist of five members, to be appointed by the mayor with
23 the approval of the city council.
24

25 B. The salary commissioners shall serve without compensation.
26

27 C. Each member of the commission shall serve a term of three years, except that the initial
28 members shall be appointed for staggered terms of one, two or three years.
29

30 D. No member of the commission shall be appointed to more than two consecutive terms.
31

32 E. In the event of a vacancy in office of commissioner, the mayor shall appoint, subject to
33 approval of the city council, a person to serve the unexpired portion of the term of the vacant
34 position.
35

36 F. A member of the commission shall only be removed from office for cause of incapacity,
37 incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of
38 residence.
39

40 **2.98.030 Salary Commissioners - Qualifications.**

41 A. Each member of the commission shall be a resident of the city.
42

43 B. No member of the commission shall be an officer, official, or employee of the city or an
44 immediate family member of an officer, official, or employee of the city. For purposes of this

1 section, "immediate family member" means the parents, spouse, siblings, children, or dependent
2 relatives of an officer, official, or employee of the city, whether living in the household of the
3 officer, official, or employee.
4

5 **2.98.040 Duties of Salary Commission.**

6 A. The commission shall meet between January 1st and April 30th of each even-numbered
7 year commencing the year 2020, to review and set the salaries paid by the city to each elected
8 city official, excluding the salary paid to the elected municipal court judge which shall be fixed by
9 ordinance according to the provisions in RCW 3.5.080. The review time schedule may be
10 extended upon request by the commission and approval by the city council.
11

12 B. Meetings of the commission may be scheduled by the chair of the commission or by a
13 majority vote of the commission. Meetings shall be conducted in the Lynnwood City Council
14 Chambers. Three members of the commission shall constitute a quorum and are necessary for
15 conducting a meeting. Meetings shall be conducted pursuant to Robert's Rules of Order.
16

17 C. The decision to raise or lower a salary requires an affirmative vote of at least a majority
18 of the whole membership of the commission.
19

20 D. The salary commission may consider requiring councilmembers' council meeting
21 attendance in establishing the salaries of the city council. However, at a minimum,
22 councilmember attendance is subject to the provisions of RCW 35A.12.060.
23

24 E. After determining and establishing the salaries of the mayor and the city council, the
25 commission shall adopt by resolution and file a statement of the salaries with the city clerk. Prior
26 to filing the salary schedule with the city clerk, the city attorney shall review the salary schedule
27 for ambiguity and legality and shall approve the salary schedule as to form if the schedule is
28 unambiguous and lawful.
29

30 F. Any increase or decrease in salary established by the commission shall become effective
31 and incorporated into the biennial budget adopted during that even-numbered year without
32 further action of the city council or salary commission.
33

34 G. Salary increases established by the commission shall be effective as to all city elected
35 officials, regardless of their terms of office. Salary increases established by the commission shall
36 be effective the first pay period of the beginning of the biennium budget year.
37

38 H. Salary decreases established by the commission shall become effective as to incumbent
39 city elected officials at the commencement of their next subsequent terms of office.
40

41 I. For purposes of this chapter, "salary" means any fixed compensation paid or provided
42 periodically for work or services but expressly excludes medical and other work-related benefits
43 and expenses paid or reimbursed to the mayor or council member for training and travel.
44

1 **2.98.050 Open meetings.**

2 All meetings, actions, hearings, and business of the commission shall be subject to the Open
3 Public Meetings Act as set forth in Chapter 42.30 RCW. Prior to the filing of any salary schedule,
4 the commission shall hold no fewer than two public hearings thereon within the two months
5 immediately preceding the filing of its salary schedule. All meetings shall allow for public
6 comment.

7
8 **2.98.060 Referendum.**

9 A. Any salary increase or decrease established by the commission pursuant to this chapter
10 shall be subject to referendum petition by the voters of the city, in the same manner as a city
11 ordinance, upon filing of a referendum petition with the city clerk within thirty days after filing
12 of a salary schedule by the commission. In the event of the filing of a valid referendum petition,
13 the salary increase or decrease shall not go into effect until approved by a vote of the people.

14
15 B. Referendum measures under this section shall be submitted to the voters of the city at
16 the next following general or municipal election occurring thirty days or more after the petition
17 is filed and shall otherwise be governed by the provisions of the State Constitution and the laws
18 generally applicable to referendum measures.

19
20 Section 2. Chapter 2.04 of the Lynnwood Municipal Code is retitled as "City Council."

21
22 Section 3. New Sections 2.04.072, 2.04.073, 2.04.074 and 2.04.075 are added to the
23 Lynnwood Municipal Code as follows:

24
25 **2.04.072 Compensation of council members**

26 A. Each person elected or appointed to serve as a member of the council for the city of
27 Lynnwood shall receive salary compensation in such structure and amounts as the salary
28 commission may establish from time to time in accordance with Chapter 2.98 LMC.

29
30 B. Each person elected or appointed to serve as a member of the council for the city of
31 Lynnwood shall receive other benefits as provided by this Chapter.

32
33 **2.04.073 Other benefits—council members**

34
35 A. Medical Benefits. Until otherwise changed by the city council, the city shall make
36 available medical, dental and vision benefits to all members of the city council and their eligible
37 dependents at the same levels and premium payments, and subject to the same limitations and
38 terms, provided to non-represented regular full-time employees.

39
40 As of January 1, 2020, the city council may from time to time pursuant to ESSB 5526, Chapter
41 364, Laws of 2019 adopt a policy or plan of hospitalization, medical aid or other forms of medical
42 and health insurance coverage to which each councilmember shall be entitled to receive. At the
43 time of such adoption, the council shall set forth the manner by which payment for the cost of

1 such policy or plan shall be made, including the proportions to be paid by the city and each
2 councilmember (if any).

3
4 B. AD&D Benefits. Councilmembers shall be entitled to receive a \$100,000 accidental death
5 and dismemberment insurance policy, for coverage only during their respective terms of office.
6

7 **2.04.074 Councilmember waiver and election not to receive “per meeting” compensation**

8 Councilmembers may elect to waive any compensation that is established by the salary
9 commission pursuant to Chapter 2.98. A councilmember may waive and elect not to be paid any
10 “per meeting” compensation which may be established by the salary commission pursuant to
11 Chapter 2.98 LMC. Notice of such waiver and election must be:
12

13 A. Given to the finance director in writing, signed by the councilmember;
14

15 B. Joined in by the councilmember’s spouse, if any, if the notice is for a future meeting, as
16 required by RCW 49.48.100; and
17

18 C. Given within 72 hours of the meeting for which compensation is waived and elected not
19 to be paid.
20

21 **204.075 Councilmember waiver and election not to receive compensation**

22 Councilmembers may elect to waive any or all compensation that is established by the salary
23 commission pursuant to Chapter 2.98 LMC. Notice of such waiver and election must be:
24

25 A. Given to the finance director in writing, signed by the councilmember;
26

27 B. Joined in by the councilmember’s spouse, if any, as required by RCW 49.48.100.
28

29 **2.04.076 Reimbursement of business expenses**

30 Councilmembers shall be entitled to receive reimbursement for expenses actually incurred while
31 attending functions when such functions are official city business and the expenses are necessary
32 and/or incidental to such city business. Councilmembers may be reimbursed for educational
33 programs attended, when such educational programs are designed to inform the council of ways
34 to better serve the city of Lynnwood.
35

36 Section 4. Section 2.10.030 of the Lynnwood Municipal Code is amended to read as follows:
37

38 **2.10.030 Salary**

39 The mayor shall receive a salary in such amount as the ~~city council~~ salary commission may
40 establish from time to time ~~by ordinance~~ in accordance with Chapter 2.98 LMC.
41

42 Section 5. New Sections 2.10.040 and 2.10.050 are added to the Lynnwood Municipal Code
43 to read as follows:
44

1 **2.10.040 Other benefits**

2 The mayor shall receive four weeks vacation per calendar year and all other benefits as set forth
3 in Chapter 2.48 LMC for non-represented full-time salaried positions.
4

5 **2.10.050 Reimbursement of business expenses**

6 The mayor shall be entitled to receive reimbursement for actual and reasonable business
7 expenses incurred in connection with the conduct of city business, including but not limited to
8 travel and training expenses. The process for reporting and receiving such reimbursement shall
9 be the same as for department directors, subject to review and approval by the finance director.
10

11 Section 6. Section 2.48.010 of the Lynnwood Municipal Code is amended to read as follows:
12

13 **2.48.010 Plan established.**

14 There is established a basic compensation plan for all ~~officers and~~ employees of the city now
15 employed or who will in the future be employed in any of the classifications of employment set
16 forth in this chapter.
17

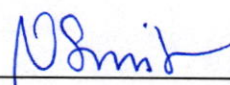
18 Section 7. Sections 2.48.190, 2.48.192, 2.48.193 AND 2.48.194 of the Lynnwood Municipal
19 Code are repealed in their entirety.
20

21 Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should
22 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
23 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,
24 clause or phrase or word of this Ordinance.
25

26 Section 7. Effective Date: This Ordinance or a summary thereof consisting of its title shall be
27 published in the City's official newspaper of record and shall take effect and be in full force
28 five days following its publication; provided that, notwithstanding the foregoing, the salary of the
29 mayor and the compensation of the city council established pursuant to Sections 2.48.190 and
30 2.48.192 of the Lynnwood Municipal Code and existing as of the effective date of this Ordinance
31 shall remain unaltered and in effect until otherwise effectively changed by the salary commission
32 pursuant to its authority set forth in Chapter 2.98 LMC.
33

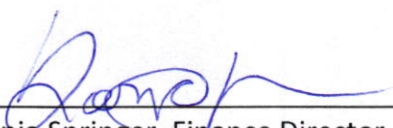
34 PASSED BY THE CITY COUNCIL this 12th day of November 2019.
35
36

37 APPROVED:

38 
39 _____
40 Nicola Smith, Mayor
41
42
43

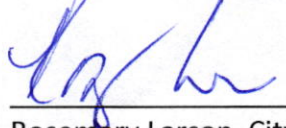
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

PASSED BY THE CITY COUNCIL: 11/12/2019
PUBLISHED: 11/15/2019
EFFECTIVE DATE: 11/20/2019
ORDINANCE NUMBER: 3348

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Leanna Hartell being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH881286 ORDINANCE NO. 3348 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 11/15/2019 and ending on 11/15/2019 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$44.70.

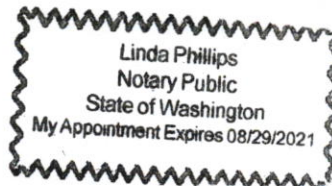
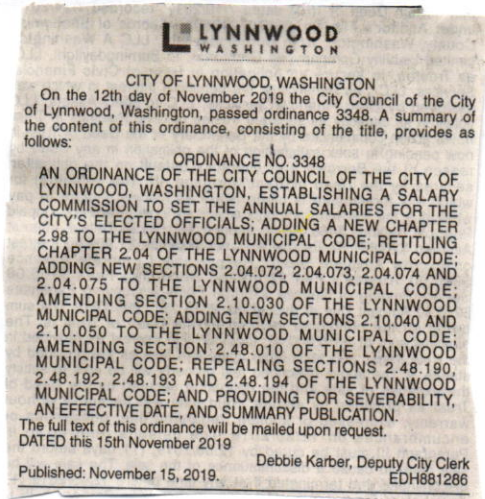
Leanna Hartell

Subscribed and sworn before me on this 15th day of November 2019.

Linda Phillips

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBER






On the 12th day of November 2019 the City Council of the City of Lynnwood, Washington, passed ordinance 3348. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO 3348

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING A SALARY COMMISSION TO SET THE ANNUAL SALARIES FOR THE CITY'S ELECTED OFFICIALS; ADDING A NEW CHAPTER 2.98 TO THE LYNNWOOD MUNICIPAL CODE; RETITLING CHAPTER 2.04 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 2.04.072, 2.04.073, 2.04.074 AND 2.04.075 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTION 2.10.030 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 2.10.040 AND 2.10.050 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTION 2.48.010 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 2.48.190, 2.48.192, 2.48.193 AND 2.48.194 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 15th November 2019



Debbie Karber, Deputy City Clerk